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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,425	11/25/2003	Sheila Littlehorn	017242-011400US	6249
20350	7590	01/30/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			ABRAHAM, TANIA	
TWO EMBARCADERO CENTER			ART UNIT	
EIGHTH FLOOR			PAPER NUMBER	
SAN FRANCISCO, CA 94111-3834			3636	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,425	<b>Applicant(s)</b> LITTLEHORN ET AL.	
	<b>Examiner</b> Tania Abraham	<b>Art Unit</b> 3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10, 14-17, 19-20, 22, 24, 26, 41, and 47-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "and adhesive and a zipper" in line 3 of the claim. It is unclear whether the phrase "and adhesive and a zipper" is meant to list the mechanisms separately or as a combination. The same applies to Claim 19 where the limitation "and adhesive and a zipper" is recited again in third line of the claim.

Claims 14-17 each recite the limitation "the flap". There is insufficient antecedent basis for this limitation in each of these claims. There is no reference to a flap in claim 7 or 1, on which claims 14-17 depend. For examination purposes, claims 14-17 will be considered dependent on claim 13, which does make reference to a flap.

Claim 20 recites the function of the flap but fails to include structure to support that function. The flap is defined in preceding claims to be attached to the car seat cover where only a portion of the flap is removable. This claim has not set forth how the entire flap can be removed from the cover.

Claim 22 recites "about sixteen inches and about nineteen inches" in lines 2-3 of the claim. Using the relative term "about" to further define the range of length in claim 21 (which already uses the term "about" to limit the length of the shoulder strap

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openings) renders claim 22 indefinite and fails to further limit claim 21. Since "about" is not defined by the claim, "about sixteen inches and about nineteen inches" in claim 22 is considered the same as "about fifteen inches and about twenty-five inches" in claim 21, lines 2-3. The same applies in claim 24, line 2 and claim 26, line 2 where the relative term "about" is used to limit the approximate length recited in claims 23 and 25 for the shoulder strap opening and the crotch strap opening, respectively.

Claim 41 does not set forth any steps involved in limiting the method of protecting a car seat recited in claim 40. A method claim is indefinite when it recites a limitation on the structure of the invention without any steps on how to use that structure. The same applies in claim 47 where the method of protecting a car seat does not include any steps involved in performing that method.

Claim 48 recites the limitation "the buckle" in line 5 of the first paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, paragraph 1 – line 5 of claim 48 will be considered to read, "anchor point attached to the frame and a buckle, the buckle being configured..."

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-12, 38-39, 48-50, and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Kassai et al. [US 6,481,794 B1]. Kassai et al. (fig. 30-52) discloses

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a child car seat 2000 for carrying and protecting a child having a cover 960/970 of flexible material that is placed between the seat frame and the child to protect the seat and provide added comfort. Kassai's seat has a cushion (col. 10, lines 41-46) and a five-point harness system with a matching cover. The seat cover 960/970 possess these notable features:

- The cover's design mimics the shape of the seat frame such that it can be secured over the seat frame and about the frame's edge, and also has a belt 984 (fig. 38) to further secure the cover to the frame.
- A removable headrest 950 with bottom pad 952 and guard pad 954. The headrest also has belts 956 for securing the headrest to the cover.
- Strap slots 974a, 976 for the shoulder and crotch straps to be pulled through.
- A removable canopy 5003 (fig. 51-52) attached to the cover with belts 5007 and 5008, having an edge 5003a to maintain the canopy shape.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kassai et al. in view of Schutz [US 4,478,453]. The structure disclosed previously for Kassai's cover lacks detail of the border material. Schutz teaches a car seat cover 12 (fig. 1-4) with an elastic border 42 to further secure the cover to the car seat frame. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Kassai's cover to have an elastic border in view of the teachings of Schutz in order to better secure the cover to the seat frame.

8. Claims 3, 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassai et al. in view of Allbaugh [US 6,428,098 B1]. Kassai's car seat cover does not recite details of the cover's material except that it is flexible. Allbaugh's child seat cover 10 (fig. 3, 12-14) is adaptable for use in various child seats (col. 8, lines 4-8) and teaches the cover is washable, water/stain resistant (col. 5, lines 30-41) and made of

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disposable materials such as reinforced paper (col. 6, lines 21-25). The cover has string ties 35 to tighten the cover's border about the seat frame. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Kassai's cover to have the features of Allbaugh, in view of Allbaugh's teaching, in order to maintain cleanliness of the seat. While Allbaugh teaches the material and securing mechanisms of a child seat cover, it has become conventional to have the cover of a child seat made of a material that allows for washing and/or disposing, having a border made of any one of a group of securing mechanisms, like hoop-and-loop fasteners, elastic, fabric ties, and snaps.

9. Claims 13-29, 30-31, 37, 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassai et al. in view of Ranalli [US 4,993,090]. The structure outlined for Kassai's cover does not have dimensions for the shoulder and crotch strap slots and a flap to cover the portion of the slots disposed over the unused shoulder strap connections in the frame. Ranalli (fig. 1-6) teaches these features missing from Kassai's car seat cover. Ranalli discloses a child car seat cover 1 for a five-point harness system having flaps that cover the unused portion of the strap slots and are secured there using snaps. In Ranalli's cover 1 (as shown in fig. 2-4) flap 31 covers slot 21. Similarly, flaps 31 and 35 (fig. 5) cover slots 21 and 23, respectively. Ranalli's cover is forty inches long and thirty-five inches wide with shoulder strap slots 21 and 23 that are twelve to fifteen inches in length and crotch strap slot 22 length anywhere between three and fourteen inches (col. 5, lines 8-18, 38-50). It would have been obvious to one having ordinary skill in the art at the time of invention to modify Kassai's

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cover to have features just described, in view of Ranalli's teaching, in order to provide easier adjustability and cover a portion of the slots for aesthetic reasons. While Ranalli teaches the features described above, the size and shape of the strap slots and the type of attachment device used on the flap are considered design choices, not patentably distinct features.

10. Regarding method claims 40-45, during the normal and usual use of the car seat cover taught by Kassai and Ranalli (i.e., protecting the car seat and the child occupying it), the methods claimed are inherently performed, including cleaning and disposing of the cover when necessary.

11. Claims 51, 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassai et al. in view of Brewer [US 6,517,153 B1]. Kassai teaches a canopy but lacks a toy mounting system. Brewer (fig. 10, 18-20) teaches a canopy 8 with a toy mounting system having a support structure 29 and straps 27 for hanging toys. It would have been obvious to one having ordinary skill in the art at the time of invention to modify Kassai's canopy to include a toy mounting system in view of the teaching of Brewer, in order to enhance the child's enjoyment while seated in the car seat.

Regarding method claims 54-55, it is determined that the normal and usual use of the car seat cover taught by Kassai and Brewer (i.e., protecting the car seat and the child occupying the seat), the methods claimed are inherently performed.

**Conclusion**


12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stephens et al., Carnahan et al. and Sanchez et al. all show teachings of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TA

  
**PETER R. BROWN**  
**PRIMARY EXAMINER**